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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,058	12/03/2003	Tonni Sandager Larsen	40000-0050 (50T5639.02)	1351
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STEVEN L. NICHOLS RADER, FISHMAN & GRAUER PLLC 10653 S. RIVER FRONT PARKWAY SUITE 150 SOUTH JORDAN, UT 84095			EXAMINER CHU, DAVID H	
			ART UNIT 2628	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/728,058	Applicant(s) LARSEN ET AL.	
	Examiner DAVID H. CHU	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-43 and 50-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 50-58 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-17, 19-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 4, 9-13, 20-24, 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. in view of Ono (PGPUB Document No. US 2003/0012402).

4. Note with respect to claim 1,

Chen et al. teaches:

A method of transitioning between two high resolution images in a slideshow,
said method comprising:

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- Displaying a first image as part of said slideshow

[Chen et al. teaches a transitioning between two images (slideshow), which must show a first image as part of the transition, as claimed by the applicant]

[Chen et al., 0050]

- Replacing said display of said first image with a scaled-down copy of said first image

[Chen et al. teaches a scaling-down transition]

[Chen et al., 0050]

- Continuing said slideshow by fading out said display of said scaled-down copy of said first image to reveal a display of a second image

[Chen et al. teaches fade-in and fade-out transitions.]

[Chen et al., 0050]

5. It is well known in the art to combine any given set of image transition effects in any desired order. Therefore, it would have been obvious to first scale-down the first image then fade the scaled-down image to reveal a next image, as recited by the applicant, to receive predictable results in a slideshow transition.

6. However, Chen et al. does not expressly teach:

- Replacing said display of said first image with a lower resolution copy of said first image

7. Ono teaches:

- Scaling changes the resolution of the image

[The Examiner cites the teachings of Ono as support that it is well known that scaling changes resolution]

[Ono, 0124]

8. Note with respect to claim 4,

Chen et al. teaches:

The method of claim 1, further comprising:

- Storing said first image in a first video buffer *[Video disc]*

[Chen, 0048]

9. Note with respect to claim 9,

The combined teachings of Chen et al. and Ono teach:

The method of claim 1, further comprising:

- Storing said second image in a second video buffer

[The memory (video disc) of Chen et al. comprise of a plurality of addresses, within which the first and second images can be respectively stored. The different addresses storing the first and second images is the equivalent to the first and second video buffer respectively, as recited by the applicant]

10. Note with respect to claims 10 and 12,

The combined teachings of Chen et al. and Ono teach:

The method of claim 1,

- Wherein said first image is a still image

[Chen et al. teaches the still images are used to create transition effects for videos]

[Chen et al., 0051]

11. Note with respect to claims 11 and 13,

The combined teachings of Chen et al. and Ono teach:

The method of claim 1,

- Wherein said first image is a frame of a video clip

[Chen et al., 0051]

12. Note with respect to claims 24, 33, claims 24 and 33 are similar in scope to the claim 1, thus the rejections to claim 1 hereinabove are also applicable to claim 24 and 33.

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13. Note with respect to claims 20, 22, 29 and 31, claims 20, 22, 29 and 31 are similar in scope to the claims 10 and 12, thus the rejections to claims 10 and 12 hereinabove are also applicable to claims 20, 22, 29 and 31.

14. Note with respect to claims 21, 23, 30 and 32, claims 21, 23, 30 and 32 are similar in scope to the claims 11 and 13, thus the rejections to claims 11 and 13 hereinabove are also applicable to claim 21, 23, 30 and 32.

15. Claims 2, 3, 5, 6, 8, 15-17, 19, 25-28 and 34-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. in view Ono as applied to claims 1, 4, 9-13, 20-24 and 29-33 above, and further in view of Fisher (U.S. Patent No. 5371519).

16. Note with respect to claim 2,

The combined teachings of Chen et al. and Ono do not expressly teach:

The method of claim 1, further comprising:

- Disabling a graphic overlay and displaying said first image prior to replacing said first image

17. However, Fisher teaches:

- Disabling a graphic overlay and displaying said first image prior to replacing said first image

[Fisher teaches, clearing the image memory (disable graphic overlay) by setting a pointer (overlay) at an different address within the memory, as data is read out of the image memory (prior to displaying said first image)]

(Fisher, col. 10, line 21-29)

18. Therefore, at the time of the invention, it would have been obvious to one of an ordinary skill in the art to combine the known method (using a pointer to display images in memory) taught by Fisher with the image transitioning one image to another teaching of Chen et al., because the combination yield predictable results.

19. Note with respect to claim 3,

The combined teachings of Chen et al. and Ono do not expressly teach:

The method of claim 1, further comprising:

- Pointing a video overlay at said first image to display said first image prior to said replacing said first image

20. However, Fisher teaches:

- Pointing a video overlay at said first image to display said first image prior to said replacing said first image

[As discussed above, the video overlay is just another type of pointer, taught by Fisher, that points at different address in the image memory to display the initial image of Chen et al.]

(Fisher, col. 10, line 21-29)

21. Note with respect to claim 5,

The combined teachings of Chen et al. and Ono teach:

The method of claim 3, further comprising:

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- Making said lower resolution copy of said first image and storing said lower resolution copy of said first image in graphic buffer

[The scaled-down image after the first transition, discussed above with respect to claim 1, is the lower resolution copy of said first image. Further, Chen et al. teaches storing image files in a non-volatile storage medium]

[Chen, 0048]

22. Note with respect to claim 6,

The combined teachings of Chen et al., Ono and Fisher teach:

The method of claim 5, further comprising:

- Point a graphic overlay at said lower resolution copy of said first image

[Pointing a graphic overlay at said lower resolution copy of said first image is the equivalent to the pointer of Fisher pointing at the next image to be displayed in the transition of Chen et al.]

- Enabling said graphic overlay

[Enabling a graphic overlay is the equivalent to the pointer of Fisher pointing at the next image data location]

23. Note with respect to claim 8,

The combined teachings of Chen et al., Ono and Fisher teach:

The method of claim 6, further comprising:

- Pointing said video overlay at said second image before fading out said lower resolution copy of said first image to reveal said second image

[As discussed above, as part of fading out the scaled-down image to reveal the next image, the pointer of Fisher is responsible for displaying the next image.]

24. Note with respect to claim 15, claim 15 is similar in scope to the claims 4, 5, 9 and 1, thus the rejections to claims 4, 5, 9 and 1 hereinabove are also applicable to claim 15.

25. Note with respect to claims 34-39, it is well known in the art to apply said device for reading said data storage medium to the different devices as recited by applicant.

26. Therefore, it would have been obvious to one of an ordinary skill in the art to utilize the different devices recited by applicant, because they are merely different devices capable of carrying out the same function.

27. Note with respect to claims 16, 25 and 40, claims 16, 25 and 40 are similar in scope to the claim 3, thus the rejections to claim 3 hereinabove are also applicable to claim 16, 25 and 40.

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28. Note with respect to claims 17, 26 and 41, claims 17, 26 and 41 are similar in scope to the claim 5, thus the rejections to claim 5 hereinabove are also applicable to claim 17, 26 and 41.

29. Note with respect to claims 27 and 42, claims 27 and 42 are similar in scope to the claims 6 and 7, thus the rejections to claims 6 and 7 hereinabove are also applicable to claims 27 and 42.

30. Note with respect to claims 19, 28 and 43, claims 19, 28 and 43 are similar in scope to the claim 8, thus the rejections to claim 8 hereinabove are also applicable to claim 19, 28 and 43.

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31. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. in view Ono as applied to claims 1, 4, 9-13, 20-24 and 29-33 above, and further in view of Qureshi et al. (U.S. Patent No. 6396500).

32. Note with respect to claim 14,

The combined teachings of Chen et al. and Ono do not expressly teach:

The method of claim 1, further comprising:

- Centering and resizing said first and second images to fit respective buffers prior to said replacing said first image

33. However, Qureshi et al. teaches:

- Scaling an image to fit the display window of a browser
(Qureshi et al. col. 11, line 29-41)

34. Therefore, at the time of the invention, it would have been obvious to one of an ordinary skill in the art to apply the scaling an image to fit the display window teaching of Qureshi et al. to the image transitioning teachings of Chen et al. and Ono, because ***this enables the image to be properly displayed according to the size of the display buffer of a specific display.***

Allowable Subject Matter

35. Claims 7 and 50-58 are allowed.

Response to Arguments

36. Applicant's arguments filed 3/10/2008 have been fully considered but they are not persuasive.

Following are the applicant's arguments and examiner's response.

The applicant argues:

- The Chen reference never explains what is meant by a “scale-down” transition between “two adjacent images.” Chen mentions “fade-in” and “fade-out” transitions separate from “scale-down”

[The Examiner stated in the previous office action that it would have been obvious to mix two transitions, Such as scaling down an image then fading it out. Further, a scale-down transitions has the same effect of fading-out an image, as such creating lower resolution copies and fading out simultaneously]

- The Qureshi reference recites scaling an image to fit in the display window of browser. Qureshi does not teach centering and resizing images to fit respective electronic buffers

[The cited paragraph of Qureshi (col. 11, line 29-41) teaches the display window of the browser set equal to the dimensions (full screen) of the display. Under such settings, the size of the display window is the equivalent to the size of the image buffer]

Conclusion

37. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Chu whose telephone number is (571) 272-8079. The examiner can normally be reached on M-TH 9:00am - 7:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark k. Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DHC

/XIAO M. WU/

Supervisory Patent Examiner, Art Unit 2628